

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
June 4, 2003**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., June 4, 2003, in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman; Andy Kunasek, Vice Chairman; Don Stapley, Max W. Wilson, and Mary Rose Wilcox. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

INVOCATION

Mr. David Udall, attorney at law, delivered the invocation.

PLEDGE OF ALLEGIANCE

Ed Boks, Maricopa County Animal Care & Control, led the assemblage in the Pledge of Allegiance.

PET OF THE MONTH

The "Pet(s) of the Month" – three kittens from Maricopa County Animal Care & Control were presented. June is "adopt a cat month" and there are hundreds of cats of all ages to choose from at each Valley center where "half-price cat adoptions for the entire month" are being featured. There were 100 kittens taken in the day before this meeting in the East Valley center alone. Animals adopted from Animal Care are neutered and have been given their shots. After July 1 they will have an identification microchip inserted under their skin to facilitate reuniting them with their family in case they are lost.

VIRGINIA BAXTER MEMORIAL AWARD TO ANIMAL CARE & CONTROL

The Virginia Baxter Memorial Award was presented to Ed Boks and his staff at Animal Care & Control by Mr. Haight from "In Defense of Animals", a national, non-profit organization with a distinguished record for its dedication to ending the exploitation and abuse of animals. Mr. Haight said that Ed Boks will also receive the Lifetime Achievement Award from IDA next year. Others who have received that award include Jane Goodall, Treva Slope, Cesar Chavez and Deede Silverstone. He said that IDA is "very impressed with Mr. Bok's work and his helpfulness in things we have asked him to do dealing with animals in the vicinity." (ADM2300)

Mr. Boks said he accepted the award with gratitude and pride. He reported that Maricopa County's Animal Care and Control program has gone from one of the worst in the country to the most respected and progressive. He explained that this had happened with the help of his team of 150 employees and with the support of the Board and David Smith and his staff. He introduced several members of his "team" who were present and who helped "make all this possible."

Chairman Brock and the Board congratulated and thanked Mr. Boks and his dedicated staff in bringing Maricopa County to the high standard it has achieved in animal control, saying, "We adopted out more animals last year than any other agency in the country and are well on our way of becoming the first no-kill County in the country as well."

PUBLIC HEARING - ANIMAL CARE & CONTROL

Chairman Brock announced a public hearing to consider an addition to the adoption process that would require each animal adopted from Animal Care & Control Services (AC&C) be microchipped before being released to the adopter. The department's previous fee structure approved by the Board of Supervisors

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on September 4, 2002, allows for a \$15 fee for voluntary microchipping. AC&C is now proposing effective July 1, 2003, that this fee and service be a mandatory step in its adoption process. In addition, the AC&C recommends a \$10 microchip fee to its New Hope partners. It is estimated that 23,000 microchips will be implanted in FY 2003-2004. (C7903052M) (ADM2300-003) (ADM2305)

Supervisor Kunasek asked if the microchip that will be used is universally recognized. Mr. Boks replied that this chip is recognized around the world by animal centers that use universal scanners that can read all chips.

Supervisor Kunasek asked about transferring the chip information when an animal is sold and ownership is transferred to someone else. Mr. Boks said that would depend on the owner's actions but they would have received information on how to transfer ownership. He said that the County's program rescues 60,000 to 62,000 animals each year, more than any animal control program in the nation, and there is no way now to know how many of these animals might come into the shelter several times a year. The microchip gives the 22,000 animals that are adopted out each year some means of identification and follow-up information. This will be mandatory after July 1st – to license and chip each animal that leaves the shelter.

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the microchipping of all animals adopted from the Animal Care and Control shelter with the addition of a \$15 fee to cover costs and to provide the same service to New Hope partners at \$10. The effective date of the new fee will be July 1, 2003.

REVIEW OF ANIMAL CARE & CONTROL'S RESULTS INITIATIVE REQUEST

Animal Care and Control requests that the Board direct the Office of Management and Budget (OMB) to review, analyze and make a recommendation on the Animal Care & Control Results Initiative Requests (RIR's) for FY 2003-2004, for revenues and expenditures associated with the fee increase associated with microchipping. AC&C estimates that additional revenues and expenditures associated with this fee increase is \$330,000. On December 2, 2002 the Maricopa County Board of Supervisors approved the Budgeting for Results Guidelines and Priorities for FY 2003-04. Included in those guidelines was a provision that only Results Initiative Requests that are funded by the original \$900 million of Jail Excise tax for phased-in operation of new facilities will be considered. Maricopa County's Annual Business Strategies for FY 2002-03 list seven Strategic Priorities that include providing regional leadership in critical public policy areas in a fiscally responsible manner. AC&C's goal to meet this Strategic Priority is to achieve a "no kill" environment by FY 2006 (euthanasia rate of 3 adoptable animals per human population of 1,000). Additionally, the FY 2002-2003 Strategic Priorities state that all anticipated revenue to the County from fee increases will not be budgeted unless the Board of Supervisors has approved such increases. In addition, OMB requests that the department change the fiscal impact section to reflect that the revenues and expenditures are for FY 2004.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Animal Care and Control's Results Initiative Request for review by OMB and reflect that revenues and expenditures are for FY2004.

PUBLIC HEARING – PARKS AND RECREATION

Chairman Brock announced a public hearing to consider a modification to the Parks Department fee schedule to acknowledge San Tan Park as an open and operating mountain park facility and apply

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normal park entry fees. In addition, the Board will consider the elimination of the fee for dumping recreational vehicle waste at park facilities. Both changes would be effective July 1, 2003. The net effect on revenue is built into the FY 2004 proposed budget from Parks. This item was discussed and approved unanimously at the April 8, 2003, Parks & Recreation Commission meeting. (C30030237) (ADM3210)

Bill Scalzo, Director of Parks and Recreation, reported on amenities that are being constructed at San Tan Park, and said that there is a growing number of people from both Maricopa and Pinal Counties who are using the Park for hiking, horseback riding, bicycle riding and other favorite outdoor activities. Perimeter fencing is now 60% complete – 75% by the end of this year. He said that the issue of the number of entrance gates is being questioned by residents and discussed by park authorities. He indicated that many people want to keep gates and improvements at a minimum, preferring to maintain the pristine qualities of the area, while others want more gates and additional facilities. He indicated that most of the County's Parks have only one entrance, including White Tanks, which is almost 30,000 acres. He explained that it is much easier to protect and preserve the park if it only has one entrance. Use patterns are being considered at San Tan and a much broader and more flexible approach is being taken at this site than at other parklands. Mr. Scalzo said that in his 30-years experience he has never seen a park open and develop as quickly as San Tan. He expects to begin additional infrastructure planning and construction later this summer. The "bargain to all residents" \$75, family, yearly pass, good for entrance into any of the County's parks, was also discussed.

Mr. Scalzo said there are more than 120,000 acres of land in the Maricopa County Parks system and he believes the requested fees have to be among the lowest in the nation, if not the lowest. He indicated that more money had been spent on San Tan last year than at any other park except Lake Pleasant, and Lake Pleasant is completely self-sufficient using only the fees charged there for upkeep. He indicated that monies collected would be used at the Park and the fees would go into effect on July 1, 2003. The Parks Department is striving to gain and maintain complete self-sufficiency with no monies needed from the County's General Fund. They are currently about 80% self-sufficient.

Chairman Brock said he would not support this item, feeling it is premature to charge fees when improvements are so minimal and there is controversy from residents living in the area.

Supervisor Stapley said he would support the fee elimination for R.V. dumping but he too could not support charging an entrance fee until the first improvement phases are completed.

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and carried by majority vote (3-2) with Supervisors Kunasek, Wilson and Wilcox voting "aye" and Supervisors Stapley and Brock voting "no" to approve the proposed fee schedule for San Tan Park as given. Additionally, the Board authorized the elimination of the fee for dumping RV wastewater at Park facilities by a vote of 4-1 with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "no."

LIQUOR LICENSE APPLICATIONS

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Kunasek and seconded by Supervisor Wilson, to recommend approval of the following liquor license applications b), c) and addendum item A-1:

- a) Application filed by John Arthur Whitney, III, for an Original, Series 12 Liquor License: (LL6088) **WITHDRAWN**

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Business Name: Circle Bar Ranch
Location: 29806 North Beeline Highway, Rio Verde

Planning & Zoning recommends denial due to the site being located in a Rural-190 zoning district and is not a permitted use.

- b) Application filed by Biao Lu for an Original, Series 12 Liquor License: (LL6089)

Business Name: New China Super Buffet
Location: 10801 West Grand Avenue, Sun City

- c) Application filed by Terry F. Ray, for a Person-to-Person Transfer of a Series 6 Liquor License from David Sanclemente: (LL6090)

Business Name: The Spurr Lounge
Location: 5535 West Baseline, Laveen

- A-1 Application filed by Stephen B. Weber, for a Special Event Liquor License: (F23105)

Organization: St. Katherine Greek Orthodox Church
Location: 2716 North Dobson Road, Chandler
Date/Time: Saturday, June 14, 2003; 5:00 p.m. – 12:00 midnight

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "no."

ROAD DECLARED (ROAD FILE NO. A093-B)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) that the following resolution be adopted: (C64032325)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 7th day of May, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A roadway 60 feet wide, together with all appurtenances and easements of record, lying within the South 30 feet of the Northeast quarter of the Northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$)) and the North 30 feet of the Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Fourteen (14), Township Four (4) North, Range One (1) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. (Said roadway is also known as Patrick Lane, from 81st Avenue to 79th Avenue in Supervisorial District No. 3.)

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

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WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 4th day of June 2003.

ROAD DECLARED (ROAD FILE NO. 5281)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried that the following (5-0) resolution be adopted: (C6403222B)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 7th day of May, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

All streets consistent with the rights-of-way, as depicted in Anthem, Unit 2, a subdivision as shown in Book 477 of Maps, Page 47, M.C.R., within the general vicinity of Camelback Road and Jackrabbit Trail and in Supervisorial District No. 3.

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

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NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 4th day of June 2003.

ROAD DECLARED (ROAD FILE NO. 5282)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried that the following (5-0) resolution be adopted: (C6403223B)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 7th day of May, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

All streets consistent with the rights-of-way as depicted in Phase 1 of Anthem, Unit 17, a subdivision as shown in Book 532 of Maps, Page 2, M.C.R., general vicinity of Memorial Drive and Gloria Drive, Supervisorial District No. 3.

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

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BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 4th day of June 2003.

ROAD DECLARED (ROAD FILE NO. 5283)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried that the following (5-0) resolution be adopted:

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 7th day of May, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

Gavilan Peak Parkway from Memorial Drive to Kings Drive, as depicted in the Amended Map of Dedication, Roadway A and Roadway D, as shown in Book 480 of Maps, Page 37, M.C.R., Supervisorial District No. 3.

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

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BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 4th day of June 2003.

ROAD DECLARED (ROAD FILE NO. 5284)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried that the following (5-0) resolution be adopted: (C6403225B)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 7th day of May, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

Exploration Way, as depicted in the Amended Map of Dedication for Exploration Way, as shown in Book 487 of Maps, Page 34, M.C.R., and Old West Trail, as depicted in the Amended Map of Dedication for Old West Trail as shown in Book 487 of Maps, Page 33, M.C.R., Supervisorial District No. 3.

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

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BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 4th day of June 2003.

ROAD DECLARED (ROAD FILE NO. 5285)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried that the following (5-0) resolution be adopted: (C6403229B)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 7th day of May, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

The roadway consistent with that portion of right-of-way on Anthem Way as shown on the Amended Map of Dedication Roadway A and D, Book 480 of Maps, Page 37, M.C.R., beginning at Independence Way, a point 4,181.75 feet easterly of Gavilan Peak Parkway and extending 4,640.67 feet easterly to the termini of Anthem Way as shown on the herein referenced Map of Dedication, Supervisorial District No. 3.

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

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BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

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ROAD DECLARED (ROAD FILE NO. 5286)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried that the following (5-0) resolution be adopted: (C6403226B)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 7th day of May, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

The right-of-way along Venture Court, as depicted in the Amended Map of Dedication for Venture Court, as shown in Book 515 of Maps, Page 33, M.C.R., general vicinity of Interstate 17 and Anthem Way, Supervisorial District No. 3.

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

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GRANT FUNDING FROM ARIZONA DEPARTMENT OF PUBLIC SAFETY VICTIM ASSISTANCE GRANT PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve receipt of grant funds from the Arizona Department of Public Safety Victim Assistance Grant Program in the amount of \$60,163. The County Attorney's Office recognizes that this grant requires a match of \$15,041 and has the resources to provide this match. This agreement, DPS Contract No. 2002-313, shall commence on July 1, 2003, and terminate on June 30, 2004. The grant funds may not be expended for any indirect costs, which may be incurred by the County Attorney's Office or Maricopa County for the administration of this grant. The Department of Finance has calculated the County Attorney's composite indirect cost rate at 15.4%. The non-recoverable indirect cost of administering this grant is \$11,581. By approving this agenda item, the Board of Supervisors will be authorizing an increase of \$60,163 in the County Attorney's Office grant funding for FY 2003-2004 after final adoption of the FY 2003-2004 budget. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This action does not alter the budget constraining the expenditure of local revenues adopted by the Board pursuant to A.R.S § 42-17105. (C19040013)

GRANT FUNDING FROM ARIZONA AUTOMOBILE THEFT AUTHORITY

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve receipt of grant funds from the Arizona Automobile Theft Authority in the amount of \$105,961. These grant funds are intended to be used exclusively for reimbursement of expenditures related to one FTE Prosecutor dedicated to prosecution and one FTE Legal Support Specialist who will give priority to Arizona Vehicle Theft Task Force auto theft cases. This grant agreement commenced on July 1, 2003, and will terminate on June 30, 2004. The grant funds may not be expended for any indirect costs that may be incurred by the County Attorney's Office or Maricopa County for the administration of this grant. The Department of Finance has calculated the County Attorney's composite indirect cost rate at 15.4%. The non-recoverable indirect cost of administering this grant is \$16,317.99. By approving this agenda item, the Board will be authorizing the increase of grant funding that was budgeted, thus causing a budget amendment to be authorized after the FY 2003-2004 budget is adopted. This amendment will increase the County Attorney's Grant Funds (219) revenue and expenditure levels for FY 2003-2004 by \$6,241. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C19040023)

CHANGE ORDER INCREASING GRANT FUNDING FROM GOVERNOR'S OFFICE OF HIGHWAY SAFETY, DUI ENFORCEMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve Change Order No. 1 to accept an increase in grant funding of \$2,400, from Governor's Office of Highway Safety, DUI Enforcement, for travel/training expenses. This will increase the total amount funded from \$48,850 to \$51,250. The Sheriff's Office indirect cost rate for FY 2004 is 14.5%. Unrecoverable indirect costs associated with this change order are estimated at \$348. No budget adjustment is required. This change order will provide funding for out-of-state travel for two employees to attend the Ninth Annual Drugs, Alcohol and Impaired Driving Seminar to be held July 10-13, 2003, in Baltimore, Maryland. (C5002088301)

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WAIVER TO MARICOPA COUNTY EMPLOYEE LEAVE PLAN V & VI

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve a waiver to the Maricopa County Employee Leave Plan V & VI for Deputy Vincent Himes who sustained serious injuries as a result of an "Act of Violence" through no fault or negligence of his own, in which the vehicle he was pursuing turned in front of his vehicle. Authorize payment of normal base salary and benefits of the employee for duration of up to one year or return to full duty, whichever is earlier, to begin May 6, 2003. (C50030750) (ADM3320-001)

GRANT FUNDING FROM U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS) – HOMELAND SECURITY OVERTIME PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve application for \$100,000 in grant funding from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) for the "Homeland Security Overtime Program". This funding can be used to pay officer overtime used during homeland security training sessions and in other law enforcement activities that are designed to assist in the prevention of acts of terrorism and other violent and drug-related crimes. This funding cannot be used to supplant the existing Sheriff's Office overtime budget. There is a 25% match requirement. (C50035500)

GRANT FUNDING FROM ARIZONA ATTORNEY GENERAL'S OFFICE, VICTIM'S RIGHTS PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the acceptance of \$120,000 in grant funds from the Arizona Attorney General's Office, Victim's Rights Program. This funding supports the Sheriff's Office mandate to provide victim notification per A.R.S. Title 13, Chapter 40 and A.R.S. Title 8, Chapter 3. The term of this funding is July 1, 2003, through June 30, 2004. The Sheriff's Office indirect cost rate is 14.5% for FY 2004. Unrecoverable indirect costs associated with this grant are estimated at \$17,400. An estimated amount for this grant was included in the FY 2003-2004 Sheriff's Office Budget request. (C50035520)

AMENDMENT TO PARTICIPANT AGREEMENT WITH ARIZONA STATE PARKS BOARD

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve Amendment No. 1 to the Participant Agreement between the Arizona State Parks Board and the Maricopa County Sheriff's Office to relocate the Boating Safety Education Center and Aid Station and extend start up date to February 6, 2004. This amendment would relocate the Boating Safety Education Center and Aid Station from the southeast corner to the northeast corner of Bush Highway and Usery Pass Road. This amendment would allow for a single point of service for the public seeking County law enforcement, search and rescue, first aid and boater education services. A single location would also result in operational efficiencies in terms of staffing and facility maintenance and upkeep. The Sheriff's Office is concurrently having its Blue Point substation facilities demolished and replaced. When improved, the site (northeast corner) at the intersection of Bush Highway and Usery Pass Road will consist of a Boater Safety Center, First Aid Station, Administrative Offices, Detention Facilities, helicopter landing pad, parking area, water well and septic tank. The scope of the grant-funded project has not changed. (C5001051304) (C50035530)

GRANT FUNDING FROM ADMINISTRATIVE OFFICE OF THE COURTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to accept a grant in FY 2002-2003 from the Administrative Office of the Courts (AOC) in the amount of

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\$5,883. This action will require an appropriation adjustment increasing revenue and expenditure authority for the Justice Courts Grants Fund (246) by \$5,883. Also authorize an appropriation adjustment increasing the appropriation authority for the Justice Courts Grants Fund (246) by \$25,365 to allow revenue/expenditures related to IGAs with 17 municipalities. The IGAs have been authorized by the Presiding Judge and require only appropriation authority. In accordance with A.R.S. Section 42-17106(B), this action requires approval of the transfer of revenue and expenditure authority between the General Government Fund (210) and the Justice Court Grants Fund (246). It is, therefore, requested that the Board approve an adjustment decreasing the FY 2002-2003 General Government Fund (210) revenue and expenditures by \$25,365 and increasing the FY 2002-2003 Justice Court Grants Fund (246) revenue and expenditures by \$25,365. This adjustment will result in a countywide net impact of zero. (C24030084) (ADM1200-003)

ADDITION TO FLEET OF ONE VEHICLE

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a fleet addition to include one 2-wheel drive SUV for the production staff of the Office of Communications (OOC). The Office of Communications currently utilizes pool vehicles to transport staff and equipment to various locations for production activities. These costs are averaging \$500 - \$600 monthly and involve, at times, two and three vehicles daily. OOC is planning to increase video production over the next four years, and this will require additional travel. The cost of said vehicle will be \$27,000 and will be paid for with the appropriated fund balance and will not negatively impact the budget. (C2003016M) (ADM3104)

REJECT CLAIM DEMANDS

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to reject claim demands (April 2003) for emergency medical services from private medical providers to patients who do not meet the requirements of Arizona Revised Statutes or Maricopa County Policies and are, therefore, not the responsibility of Maricopa County pursuant to A.R.S. §11-629 (not a proper charge against the County) and A.R.S §11-622 (claims not having been filed within six-months after the last item of the account accrues). (ARS §11-629 \$543,475.98 and ARS §11-622 \$-0-) (C39030147) (ADM1804)

**Monthly Summary Report
May 2003**

Vendor	Amb., Doctors, Hosp. Ars 11-629	Over Six Months Ars 11-622
City Of Phoenix Ambulance	2,171.32	0.00
Clinical Diagnostic Radiology	110.00	0.00
Good Samaritan Reg Med Ctr	12,529.80	0.00
Maricopa Health Systems	206,294.60	0.00
Medpro	27,320.60	0.00
Physician Trauma Service	1,566.00	0.00
Professional Medical Transport	3,663.41	0.00
Rural Metro Ambulance	2,169.52	0.00
Southwest Ambulance	6,563.39	0.00
St Josephs Hosp Arizona	105,549.70	0.00
Tempe St. Luke's Hospital	571.98	0.00
Valley Radiation Oncology	2,823.00	0.00
Valley Radiologists Ltd	25.00	0.00

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Grand Totals:	371,358.32	0.00
Restitution	0.00	
Totals Denials:	371,358.32	

PERSONNEL AGENDA

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Personnel Agenda (Judicial Branch and Maricopa County). (List on file in the Clerk of the Board's Office.)

FUND TRANSFERS

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

ADJUSTMENT TO INMATE BOOKING AND HOUSING RATES

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an adjustment to the inmate booking and housing rates approved by the Board in April 2003. The revised booking rate will be \$99.36 and the revised housing rate will be \$45.84. The effective date of this adjustment will be July 1, 2003. (C18030298) (ADM3911)

SOLICITATION SERIALS

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Solicitation Serials

02121-RFP LIBRARY MANAGEMENT SOFTWARE (\$1,500,000 est/two years with three one-year renewal options)

Award a two-year contract for the Library District to Gaylord Information Systems for a Library Management System pending negotiations of the final contract.

- Gaylord Information Systems

03018-C FOODS: STAPLE GROCERY & MISCELLANEOUS ITEMS (\$1,000,000 est/two years with three one-year renewal options)

Award recommendation for two year pricing agreement for bulk flour to be pumped into silos upon delivery to the new MCSO Food Factory.

- DPI-Epicurean Fine Foods

Sole Source

03035-S BUS CARDS & PASSES-SOLE SOURCE (\$300,000 est/ten years)

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Approve a renewal of a **sole source agreement with the ATC Phoenix Transit System** for Maricopa County to act as agent for the purchase of bus cards, passes and tokens. These products are to be used by employees, students, senior citizens, handicapped and economically disadvantaged groups as sponsored by Maricopa County Human Resources and other county departments. This is a continuing contract valued at \$300,000 per year and can be terminated by either party providing a 30-day termination notice.

- ATC Phoenix

Contract Extensions:

It is recommended that the Board of Supervisors approve the extension of the following contract(s): (Extensions are recommended with the concurrence of the using agency(s) and the vendor(s), upon satisfactory contract performance and, when appropriate, after a market survey is performed).

Until June 30, 2004

**00074-SC CLASSIFIED & DISPLAY ADVERTISING (\$1,175,000 est/one-year)
WITHDRAWN**

Recommendation for one-year extension of contract for classified and display advertising. Contract is used primarily by Human Resources and the Sheriff's Office for recruitment and drug abatement programs.

- Arizona Informant Newspaper
- The Arizona Republic
- Bear Essential News for Kids
- The Daily Journal Corporation
- G & G Advertising
- Jobing.COM
- La Voz Newspaper
- New Times, Inc.
- The Tribune
- Sweat Marketing, Inc.

01012-RFP OUTSIDE AUDIT, ACCOUNTING & CONSULTING SERVICES (\$1,500,000 est/one-year)

Recommendation for one-year extension of pricing agreement for audit, accounting, and consulting services for Healthcare Mandates and other using agencies as needed.

- Deloitte & Touche LLP
- Zolondek Strassels Greene & Freed PC
- Deloitte Consulting LP
- Bearingpoint Inc

AMENDMENT TO AFFILIATION AGREEMENT WITH PIMA MEDICAL INSTITUTE

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to Approve Amendment No. 1 to the affiliation agreement between Correctional Health Services and Pima Medical Institute to continue maintaining and operating a clinical externship program for Medical Assistants

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in the area of Correctional Health. This amendment will extend the affiliation agreement for a period of one year from August 1, 2003, through July 31, 2004. There are three optional one-year renewals. There is no financial impact associated with this affiliation agreement amendment. (C2603001001)

TRANSFER OF REVENUE AND EXPENDITURE AUTHORITY

Per A.R.S. § 42-17108(b), Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the transfer of revenue and expenditure authority from the General Government Fund (210), as follows. These adjustments will result in a countywide net impact of zero. (ADM2350-003)

- a) To the Air Quality Fund (504) - This action will require a revenue appropriation adjustment decreasing the FY 2002-2003 General Government Fund (210) by \$345,807 and increasing the Air Quality Fund (504) by \$345,807. This action will also require an expenditure appropriation adjustment decreasing the FY 2002-2003 General Government Fund (210) by \$416,627 and increasing the Air Quality Fund (504) by \$416,627. The expenditure increase includes \$70,820 worth of one-time expenditures to be paid from the accumulated fund balance in the Air Quality Fund (504). (C88030158)
- b) To the Environmental Services Fund (506) - This action will require a revenue and expenditure appropriation adjustment decreasing the FY 2002-2003 General Government Fund (210) by \$306,914 and increasing the Environmental Services Fund (506) by \$306,914. (C88030388)

CRITICAL MARKET SALARY INCREASES

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve critical market salary increases for the following, per the critical salary increase form, effective June 23, 2003. Without the increases, the County is likely to lose these engineers to other engineering and environmental employers within the State of Arizona and miss mandatory deadlines for issuance of permits. The proposed salary increases have been reviewed and recommended by Total Compensation. (SEE BACK-UP) (ADM3308-001)

- a) 19 Air Quality Engineer positions - The critical services provided by these individuals include air permit reviews to assure industrial sources of air pollution operate in compliance within the County's Air Quality Regulations. The funds were budgeted through the approval of Agenda C88030158 (see Item 22a). (C88030488)
- b) 8 Environmental Engineers positions - The critical services provided by these individuals include engineering plan reviews to assure compliance with the County's Health Code. The funds were budgeted through the approval of Agenda Item C88030388 (see Item 22b). (C88030498)

INTERGOVERNMENTAL AGREEMENTS WITH VARIOUS SCHOOL DISTRICTS – TOBACCO USE PREVENTION AND EDUCATION SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Intergovernmental Agreements, as follows, to provide school-based tobacco use prevention and education services. The terms of the agreements are from Board approval to June 30, 2004. In 1995, as a result of the Tobacco Tax Initiative, the Arizona Legislature authorized the Arizona Department of Health

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Services to develop community tobacco prevention and cessation programs. The Maricopa County Department of Public Health works with ADHS to identify strategies and implement school-based tobacco use prevention and education services for the unserved areas of Maricopa County. Funding for these agreements is provided by a grant from ADHS and will not increase the County general fund budget.

- a) Arlington School District, for a contract dollar amount not-to-exceed \$2,000 (C86043022)
- b) Gila Bend Unified School District, for a contract dollar amount not-to-exceed \$2,000. (C86043122)
- c) Paloma School District, for a contract dollar amount not-to-exceed \$2,000. (C86043132)
- d) Mobile Elementary School District, for a contract dollar amount not-to-exceed \$2,000. (C86043142)
- e) Sentinel Elementary School District, for a contract dollar amount not-to-exceed \$2,000. (C86043162)
- f) Morristown Elementary School District No. 75, for a contract dollar amount not-to-exceed \$2,000. (C86043242)
- g) Higley Elementary School District No. 60, for a contract dollar amount not-to-exceed \$8,000. (C86043262)
- h) Queen Creek Unified School District, for a contract dollar amount not-to-exceed \$8,000. (C86043362)

CHANGE ORDER TO CONTRACT WITH SMITH WOODS CONTRACTING

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Change Order No. 7 to Contract JE01-07 with Smith Woods Contracting in the amount of \$256,675. This contract is for the construction of the Southeast Juvenile Detention Facility. This change order incorporates various changes required to complete construction and allow occupancy. The increase is within the project budget. On May 16, 2001, the Board approved the award of this contract to construct the Southeast Juvenile Detention Facility. The contract was awarded for \$13,710,000, and this change order exceeds the Capital Facilities Development Department Director's 5% change order authorization approved by the Board on June 10, 2002. (C4001025101)

EXPENDITURE AND TRANSFER

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an expenditure and transfer of \$157,054 from Detention Fund appropriated fund balance reserved contingency line item Sheriff: Central Service Complex Voice System to a new line item in appropriated fund balance other detention fund programs: Sheriff: Madison Street Jail PBX Equipment Room, so that the PBX Room can be expanded. (C40030188) (ADM850)

MONTH-TO-MONTH PARKING LEASES WITH VENDORS NEAR SECURITY CENTER BUILDING

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize Facilities Management and Real Estate to negotiate and enter into month-to-month parking leases with various vendors near the county-owned Security Center Building to provide parking for current tenants as well as for anticipated future parking needs as county tenants are transitioned into the building. The proposed agreements will fix the rental rate for a mutually acceptable term. Also authorize the Facilities Management Department to expend funds not-to-exceed \$230,000 in FY 2003-2004 for this purpose. Vendor payments will be processed and tracked through purchase orders issued by Materials Management. These month-to-month leases will require vendors to provide a minimum number of parking

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spaces at fixed rates and will allow for the total number of parking spaces to fluctuate from month-month as needed. The exact terms may vary according to the needs of the different vendors. (C70030574)

EASEMENTS AND RIGHT-OF-WAY DOCUMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors action. List on file in the Office of the Clerk of the Board of Supervisors. (ADM2007)

A211.009 Project No: 69010 - Hyder Road - Maricopa County Line (to 555th Avenue) - Easement
(EGA) and Agreement for Highway Purposes - Parcel No. 403-29-011, 012 & 014 - Herbert B.
Potthoff, II, Suzanne M. Woodhall and Ronald B. Potthoff - for the sum of \$1,464.00.

A211.009 Project No: 69010 - Hyder Road - Maricopa County Line (to 555th Avenue) - Purchase
(EGA) Agreement and Escrow Instructions - Parcel No. 403-29-011, 012 & 014 - Herbert B.
Potthoff, II, Suzanne M. Woodhall and Ronald B. Potthoff.

A231.001 & Project No: 69010 - 80th Street (Hermosa Vista Drive - McDowell Road) - Easement
A238.004 and Agreement for Highway Purposes - Parcel No. 219-26-002G & 02H - Betsy A.
(AC) Grandlich, trustee - for the sum of \$55,175.00.

A231.001 & Project No: 69010 - 80th Street (Hermosa Vista Drive - McDowell Road) - Purchase
A238.004 Agreement and Escrow Instructions - Parcel No. 219-26-002G & 02H - Betsy a.
(AC) Grandlich, trustee.

A241.001 Project No: 69010 - 105th Street (Jensen Road - McKellips Road) - Easement and
(AC) Agreement for Highway Purposes - Parcel No. 220-03-005B - Bob L. Gilmore and
Loretta J. Mielke - for the sum of \$14,776.00.

A241.001 Project No: 69010 - 105th Street (Jensen Road - McKellips Road) - Purchase
(AC) Agreement and Escrow Instructions - Parcel No. 220-03-005B - Bob L. Gilmore and
Loretta J. Mielke – three.

A248.001 Project No: 69010 - Waterbury Road (Culver Street - McDowell Road) - Easement and
(AC) Agreement for Highway Purposes - Parcel No. 219-31-001J - Joan A. Thayer - for the
sum of \$9,106.00.

A248.001 Project No: 69010 - Waterbury Road (Culver Street - McDowell Road) - Purchase
(AC) Agreement and Escrow Instructions - Parcel No. 219-31-001J - Joan A. Thayer.

A248.002 Project No: 69010 - Waterbury Road (Culver Street - McDowell Road) – Easement and
(AC) Agreement for Highway Purposes - Parcel No. 219-31-001H - Joan A. Thayer - for the
sum of \$8,432.00.

A248.002 Project No: 69010 - Waterbury Road (Culver Street - McDowell Road) - Purchase
(AC) Agreement and Escrow Instructions - Parcel No. 219-31-001H - Joan A. Thayer.

A250.014 Project No: 69010 - 239th Avenue (Jomax Road - Patton Road) – Easement and
(AC) Agreement for Highway Purposes - Parcel No. 503-30-063D - Arthur Ramirez and

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Georgina Ramirez - for the sum of \$8,184.00.

- | | |
|----------------------------|--|
| A250.014
(AC) | Project No: 69010 - 239th Avenue (Jomax Road - Patton Road) - Purchase Agreement and Escrow Instructions - Parcel No. 503-30-063D - Arthur Ramirez and Georgina Ramirez. |
| A250.024
(AC) | Project No: 69010 - 239th Avenue (Jomax Road - Patton Road) - Easement and Agreement for Highway Purposes - Parcel No. 503-30-063C - Desert Hills Investment Company, L.L.C. - for the sum of \$8,184.00. |
| A250.024
(AC) | Project No: 69010 - 239th Avenue (Jomax Road - Patton Road) - Purchase Agreement and Escrow Instructions - Parcel No. 503-30-063C - Desert Hills Investment Company, L.L.C. |
| X-0103
(TS) | Project No: 68950 - Estrella Parkway (Yuma Road to McDowell) - Amendment to Agreement Between Maricopa County and Reems 180, LLP - Agreement recordation number: 2001-0709787. |
| X-0103
(TS) | Project No: 68950 - Estrella Parkway (Yuma Road to McDowell) - Quit-Claim Deed - Parcel No. 500-05-001E - Grantor: Maricopa County - Grantee: The Vons Companies, Inc. - for the sum of \$10.00. |
| X-0103
(TS) | Project No: 68950 - Estrella Parkway (Yuma Road to McDowell) - Warranty Deed - Parcel No. 500-05-001E - The Vons Companies, Inc. - for the sum of \$10.00. |
| X-0516
(CS) | Project No: 68927 - Ellsworth Road (Germann to Baseline) - Warranty Deed - Parcel No. 304-03-012X & 012Y - Metro Phoenix Land Planners, L.L.C. - for the sum of \$189,878.00. |
| X-0516-1
(CS) | Project No: 68927 - Ellsworth Road (Germann to Baseline) - Temporary Construction Easement and Agreement for Highway Purposes - Parcel No. 304-03-012X & 012Y - Metro Phoenix Land Planners, L.L.C. - for the sum of \$868.00. |
| X-0516
(CS) | Project No: 68927 - Ellsworth Road (Germann to Baseline) - Purchase Agreement and Escrow Instructions - Parcel No. 304-03-012X & 012Y - Metro Phoenix Land Planners, L.L.C. |
| X-0517 &
X-1550
(CS) | Project No: 68927 - Ellsworth Road (Germann to Baseline) - Warranty Deed - Parcel No. 304-03-016G, 016F, 016E, 016D, 041 - Metro Phoenix Land Planners, L.L.C., and Double "E" 24, L.L.C. - for the sum of \$185,073.00. |
| X-0517-1
(CS) | Project No: 68927 - Ellsworth Road (Germann to Baseline) - Temporary Construction Easement and Agreement for Highway Purposes - Parcel No. 304-03-016G - Metro Phoenix Land Planners, L.L.C., and Double "E" 24, L.L.C. - for the sum of \$100.00. |
| X-0517 &
X-1550
(CS) | Project No: 68927 - Ellsworth Road (Germann to Baseline) - Purchase Agreement and Escrow Instructions - Parcel No. 304-03-016G, 016F, 016E, 016D, 041 - Metro Phoenix Land Planners, L.L.C., and Double "E" 24, L.L.C. |

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TRAFFIC CONTROLS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following traffic controls: (C64032445) (F23107)

A 45 MPH SPEED LIMIT ZONE (from a 50 MPH SPEED LIMIT ZONE) on Northern Avenue from 107th Avenue to State Route Loop 101. (This partially rescinds the 50-MPH speed limit zone dated August 13, 1973).

A 45 MPH SPEED LIMIT ZONE (from a 50-MPH SPEED LIMIT ZONE) on 99th Avenue from Glendale Avenue to Northern Avenue. (This partially rescinds the 50 MPH speed limit zone dated March 5, 1973).

CHANGE ORDERS TO CONTRACTS WITH ENTRANCO

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following change orders to Contract No. CY 1999-43 with Entranco for the Geodetic Densification and Cadastral Survey (GDACS), Work Order No. 69012. These change orders will increase the total contract amount by \$75,986.26 to a revised contract amount of \$1,334,161.19.

- a) No. 14 in an amount not-to-exceed \$57,096.26, Phase 3G1 Project. (C6499272516)
- b) No. 15, in an amount not-to-exceed \$18,890.15 Phase 3D3 Project. (C6499272517)

CHANGE ORDER TO CONTRACT WITH CH2M HILL

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Change Order No. 3 with CH2M Hill in an amount not-to-exceed \$178,796 under Contract No. CY 2001-28, to perform additional services related to roadway and channel design, which are not included in the current contract scope of work; for the Ellsworth Road, Germann Road to Guadalupe Road project, Work Order No. 68927. It is also requested that the contract performance period be extended through December 31, 2003, to complete the final design work. This change order will increase the total contract amount by \$178,796 for a revised contract amount of \$1,660,829. (C6401151501)

CONTRACT WITH TBE GROUP, INC.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve On Call Contract No. CY 2004-02 with TBE Group, Inc. for Utility Location Services in an amount not-to-exceed \$200,000 for a two-year period. The contract shall be effective July 1, 2003, through June 30, 2005. The services include but are not limited to the following on an as needed basis: Test Hole Excavation, Control Information, and Specifications for Utility Designation. (C64032345)

AMENDMENTS TO CURRENT FY 2002-2003 FIVE-YEAR CIP

In accordance with A.R.S. Section 42-17106(B), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve amendments to the current FY 2002-2003 five-year CIP for Fund 234 – Transportation Capital Projects Fund adopted by the Board on July 22, 2002, as follows. The requested adjustments are necessary to enable the Town of Gilbert to complete construction of these joint roadway projects earlier.

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- a) decreasing the FY 2003 PM10 Roads (Phase 3) in SE Area, project SSE1 (McDOT No. 16214) capital budget by \$1,500,000, and by decreasing the FY 2003 PM10 Roads (Phase 3) in SW Area, project ASW1 (McDOT No. 16215) capital budget by \$480,150, and adjusting the Warner Road from Lindsay Road to Greenfield Road project (WWGF), (McDOT No. 68404) as follows: increase the FY 2003 (Year 1) capital budget for the Warner Road from Lindsay Road to Greenfield Road, (WWGF), (McDOT No. 68404) project by \$1,980,150 for a net impact of zero. (C64032388) (ADM1820)
- b) decreasing the FY 2003 Loop 303: McDowell to ¾ mi. N. of Thomas, LMNT (McDOT No. 68965) capital budget by \$1,080,000, and adjusting the Elliot Road from Val Vista Drive to Greenfield Road project (EVVG), (McDOT No. 68929) as follows: increase the FY 2003 (Year 1) capital budget for the Elliot Road from Val Vista Drive to Greenfield Road, (EVVG), (McDOT No. 68929) project by \$1,080,000 for a net impact of zero. (C64032398) (ADM1820)
- c) decreasing the FY 2003 PM10 Roads (Ph 2) in NW Area (group 1), project NNW1 (McDOT No. 16209) capital budget by \$1,240,000, and adjusting the Val Vista Drive from Ray Road to Warner Road project (VRWV), (McDOT No. 68955) as follows: increase the FY 2003 (Year 1) capital budget for the Val Vista Drive from Ray Road to Warner Road (VRWV), (McDOT No. 68955) project by \$1,240,000 for a net impact of zero. (C64032408) (ADM1820)

REIMBURSEMENT TO SALT RIVER PROJECT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve reimbursement to Salt River Project (SRP) in the amount of \$746,055 for completed engineering services and construction by SRP forces for the relocation and installation of their irrigation facilities that were in conflict with the Maricopa County Department of Transportation (McDOT) project BBFA (McDOT No. 68914), Baseline Road, 43rd Avenue to 7th Avenue. McDOT acknowledges that SRP has prior rights for these facilities. The cost may not exceed the current amount of \$746,055. Also in accordance with ARS Section 42-17106(B), approve an amendment to the current FY 2002-2003 five-year CIP for Fund 234 – Transportation Capital Projects Fund adopted by the Board on July 22, 2002, by decreasing the FY 2003 Project Reserves Account, project PRSA (McDOT No. 69998) capital budget by \$746,055, and adjusting the Baseline Road, 43rd Avenue to 7th Avenue, project (BBFA), (McDOT No. 68914) as follows: increase the FY 2003 (Year 1) capital budget for the Baseline Road, 43rd Avenue to 7th Avenue, (BBFA), (McDOT No. 68914) project by \$746,055 for a net impact of zero. (C64032415) (ADM2000-006)

REIMBURSEMENT TO ARIZONA PUBLIC SERVICE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve reimbursement to Arizona Public Service for the costs incurred for the design and relocation of their facilities in conflict with Maricopa County Department of Transportation project EILP (McDOT #68840), Estrella Interim Loop 303. The cost may not exceed the current estimate of \$63,811.62 by more than 10%. (C64032425) (ADM2000-006)

AGREEMENT WITH UNION PACIFIC RAILWAY

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and execute an agreement with the Union Pacific Railway to interconnect and coordinate the

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operation of the railroad grade crossing protection devices with the operation of Maricopa County Department of Transportation traffic control signals at Mile Post 934.50, Phoenix, (Rittenhouse Road at Power Road (RRPR), McDOT Project 12578). In the agreement, approve reimbursement to Union Pacific Railway in the amount of \$44,775 for the design and equipment improvements to the Union Pacific Railway crossing at Rittenhouse Road and Power Road. The cost may not exceed the current estimate amount of \$44,775 by more than 10% under McDOT (RRPR) Work Order No. 12578, Rittenhouse Road at Power Road. (C64032435)

AMENDMENTS TO CURRENT FY 2002-2003 FIVE-YEAR CIP

In accordance with A.R.S. Section 42-17106(B), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an amendment to the current FY 2002-2003 five-year CIP for Fund 234 – Transportation Capital Projects Fund adopted by the Board on July 22, 2002, by decreasing the FY 2003 capital budget for the following project. (C64032468) (ADM1820)

- Project MPFA, McDowell Road: Pima Freeway to Alma School Road (McDOT No. 68897) capital budget by \$3,575,000
- Project MGRL, Gilbert Road: McDowell Road to SR 87 (McDOT No. 68957) capital budget by \$2,750,000
- Project SSPJ, Special Projects (McDOT No. 99999) capital budget by \$500,000

and adjusting the following projects by increasing the FY 2003 (Year 1) capital budget for each of the following:

- Project NTPN, 27th Avenue: Twin Peaks to New River (McDOT No. 16100) capital budget by \$280,000
- Project PPYP, Previous Years Projects (McDOT No. 68719) capital budget by \$400,000
- Project DLFT, Commercial Driver's License Training Facility (McDOT No. 68896) capital budget by \$150,000
- Project BBFA, Baseline Road: 7th Avenue to 43rd Avenue (McDOT No. 68914) capital budget by \$250,000
- Project FNSA, Northern Avenue: 95th Avenue to 71st Avenue (McDOT No. 68915) capital budget by \$125,000
- Project AASM, Alma School Road: McLellan to McKellips (McDOT No. 68931) capital budget by \$350,000
- Project MQPC, McQueen Road: Queen Creek to Pecos (McDOT No. 68949) capital budget by \$650,000
- Project LEPL, MC 85: Estrella Parkway to Litchfield (McDOT No. 68959) capital budget by \$240,000
- Project EQCE, Queen Creek Road: Culvert at Eastern Canal (McDOT No. 68962) capital budget by \$50,000
- Project LBLR, Bartlett Lake Road: Cave Creek to Horseshoe (McDOT No. 68967) capital budget by \$100,000
- Project ENOV, 83rd Avenue: Northern to Olive (McDOT No. 68972) capital budget by \$50,000
- Project QPQW, Power Road Bridge at Queen Creek Wash (McDOT No. 68976) capital budget by \$225,000
- Project EEBB, El Mirage Road: Bell to Beardsley (McDOT No. 68993) capital budget by \$1,050,000

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- Project BEMB, El Mirage Road: Beardsley to Loop 303 (McDOT No. 68995) capital budget by \$1,350,000
- Project IRIS, ROW In-Fill on Road Inventory System (McDOT No. 69010) capital budget by \$260,000
- Project LIIP, Loop 303 Intersection Improvements (McDOT No. 69030) capital budget by \$80,000
- Project SOMN, Signal Modernization (McDOT No. 69033) capital budget by \$350,000
- Project YLCC, Laveen Area Conveyance Channel (McDOT No. 69036) capital budget by \$500,000
- Project MEAV, MC 85: El Mirage to 115th Avenue (McDOT No. 69042) capital budget by \$25,000
- Project ASPT, Asphalt Rubber Overlay; Fall 2002 (McDOT No. 69048) capital budget by \$240,000
- Project AASG, Alma School Road: North Bridge Grade Control Structure (McDOT No. 80408) capital budget by \$100,000.

For a net impact of zero. The requested adjustments are necessary to realign the project budgets to more closely match the year-end projected expenditure amounts.

PERSONNEL AGENDA - MARICOPA INTEGRATED HEALTH SYSTEM

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve Maricopa Integrated Health Systems Personnel Agenda. (List on file in the Clerk of the Board's Office.)

REVENUE AND EXPENDITURE ADJUSTMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following revenue and expenditure adjustments for the various funds that comprise the Maricopa Integrated Health System (MIHS), as listed: (C6003465M) (ADM2100-003)

- a) An appropriation adjustment to SAIL Grant (Agency 600/Fund 248), to increase revenues and expenditures by \$145,000 due to net changes in grant revenues from the Area Agency on Aging. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of this fund are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to ARS §42-17105.
- b) An appropriation adjustment to Maricopa Health Plan (Agency 600/Fund 541), to increase revenues by \$12,122,379 and expenditures by \$15,596,654 due to net changes in volume and capitation revenues from AHCCCS. AHCCCS revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of this fund are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to ARS §42-17105.
- c) An appropriation adjustment to Maricopa Long Term Care Plan (Agency 600/Fund 551), to decrease revenues by \$5,954,360 and expenditures by \$5,495,860 due to net changes in volume and capitation revenues from ALTCS. This adjustment will help to ensure that

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the County's budget maintains structural balance. This adjustment does not alter the duly adopted budget for purposes of ARS §42-17105, but rather, reflects internal structural adjustments necessitated by revenue shortfalls.

- d) An appropriation adjustment to Maricopa Health Select Plan (Agency 600/Fund 561), to decrease revenues by \$716,999 and increase expenditures by \$1,956,646 due to higher than anticipated medical expenses in the Health Select Fund. The decrease in revenues reflects an internal structural adjustment rather than a modification of the duly adopted budget for purposes of ARS §42-17105. Pursuant to A.R.S. 42-17106 (B), transfer expenditure authority in the amount of \$1,956,646 from Maricopa Health Care Delivery System (Agency 900/Fund 535) to Maricopa Health Select Plan (Agency 600/Fund 561). The net impact of this appropriation adjustment is \$0.
- e) An appropriation adjustment to Maricopa Senior Select Plan (Agency 600/Fund 566), to decrease revenues by \$496,301 and increase expenditures by \$3,679,630 due to higher than anticipated medical expenses in the Senior Select Fund. The decrease in revenues reflects an internal structural adjustment rather than a modification of the duly adopted budget for purposes of A.R.S. 42-17105. Pursuant to A.R.S. 42-17106 (B), transfer expenditure authority in the amount of \$3,679,630 from Maricopa Health Care Delivery System (Agency 900/Fund 535) to Maricopa Senior Select Plan (Agency 600/Fund 566). The net impact of this appropriation adjustment is \$0.
- f) An appropriation adjustment to Maricopa Health Care Delivery System (Agency 900/Fund 535), to decrease revenues by \$492,586 and expenditures by \$6,012,186. This adjustment will help to ensure that the County's budget maintains structural balance. This adjustment does not alter the duly adopted budget for purposes of ARS §42-17105, but rather, reflects internal structural adjustments necessitated by revenue shortfalls.

The net impact of these adjustments will be to increase total revenues from \$830,069,988 to \$834,677,121 or \$4,607,133. Total expenditures will be increased from \$828,449,732 to \$832,681,340 or \$4,233,608. Net Income will increase from \$1,620,256 to \$1,993,781 or \$373,525.

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH ARIZONA BOARD OF REGENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 2 to the Intergovernmental Agreement with the Arizona Board of Regents for and on behalf of Arizona State University, Student Health and Wellness Center, for HIV outreach, education, testing and referral services. This amendment will:

- a) Retroactively extend the current term three months from March 1, 2003, to February 29, 2004, making the aggregate term June 1, 2001, through February 29, 2004, and
- b) Increase the agreement not-to-exceed amount by \$12,998.70 from \$78,780 to \$91,778.70.

This agreement may be extended up to a total term of five years. A request for retroactive approval of this agreement is made to cover the period March 1, 2003, through June 4, 2003 (anticipated date of Board approval). This agreement may be cancelled by either party with 90-days written notice. (C9002039202)

AMENDMENT TO LEASE AGREEMENT WITH META SERVICES, INC.

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Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to Lease Agreement No. MC-10135 between Maricopa County, Lessor, and META SERVICES, Inc., Lessee, effective July 1, 2002. This amendment retroactively increases the lease space from 4,805 square feet to 7,260 square feet. Gross monthly revenue raises from \$6,374.63 to \$9,631.60 due to the increase in square footage. The lease continues on a month-to-month basis until either party terminates the lease with specified notice or a subsequent agreement is executed between the parties. (C9002040401)

CONTRACT WITH UNITED AUDIT SYSTEMS, INC. – MEDICAL RECORDS CODING SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a new contract with United Audit Systems, Inc. (UASI), to provide Medical Records Coding Services from a remote site. The contract is to be effective upon award through the succeeding twelve months, with an option to extend for up to four additional twelve-month periods. Rate of compensation is \$50 per hour of remote coding services, with an annual not-to-exceed amount of \$300,000. The contract may be terminated by either party upon 90-days written notice. (C90030381)

APPOINTMENT OF RYAN BROWNSBERGER

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to appoint Ryan Brownsberger to the Citizens' Advisory Audit Committee to fill an expired vacancy by Commissioner Vincent Harder, representing District 4, for a two-year term beginning June 1, 2003, and ending May 31, 2005. (C04030099) (ADM2602)

RESIGNATION OF TED MURPHREE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept letter of resignation from Ted ~~Murphy~~ Murphree, and appoint Ms. Hope Hernandez to the Maricopa County Merit System Commission, representing District 5, to serve the unexpired term ~~from~~ ~~June 4~~ effective May 29, 2003, to December 31, 2003. (Corrections made by Fran McCarroll, Clerk of the Board.) (C05030079) (ADM3315)

SCHEDULE PUBLIC HEARING – SUPERIOR COURT – ESTABLISHMENT OF COURT FEE

Pursuant to a request from the Presiding Judge of the Superior Court of Arizona in Maricopa County, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m., Wednesday, July 2, 2003, to establish a Complex Civil Litigation Court Fee of \$500, to be assessed on each plaintiff or petitioner and upon each defendant or respondent (as defined in Superior Court Administrative Order 2002-127 and any succeeding orders) in each case assigned to the complex litigation court beginning January 1, 2003. Cases designated complex prior to Board approval of the Complex Civil Litigation Court Fee shall be assessed a fee of \$500 as described above. Authority for this request is based on A.R.S. §11-251.08 and State of Arizona Attorney General Opinion I95-18 (R94-63). Complex Civil Litigation Court Fees will be deposited by the Clerk of the Superior Court in the Superior Court Special Revenue Fund (Fund 259) for disbursement on approval of the Presiding Judge with expenditures subject to appropriation by the Board. (C38030158) (ADM1005)

SCHEDULE PUBLIC HEARING – EXTENSION OF THE MWBE PROGRAM -- WITHDRAWN

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Item: Schedule a public hearing for 9:00 a.m., Wednesday, July 2, 2003, to solicit public comments on the MWBE - Minority and Women Owned Business Enterprise Program. The purpose of the public hearing is to gather input from the community prior to presentation to the Board of Supervisors for consideration of approval and extension of the MWBE Program. This program was initially approved by the Board of Supervisors on January 1, 1992, with subsequent revisions on July 26, 2000, and June 6, 2001. (C64032565) (ADM679)

This item was withdrawn by the Clerk of the Board.

SCHEDULE PUBLIC HEARINGS – ROAD FILE DECLARATIONS

Petitions have been filed for declaration of the following roads into the County highway system. Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to schedule a hearing for 9:00 a.m., Wednesday, July 2, 2003:

Road File A264: General vicinity of Eagle Mountain Road from end of maintenance to 217th Avenue. (C64032485)

Road File A274: General vicinity of 29th Avenue from end of maintenance to Irvine Road. (C64032495)

Road File A282: General vicinity of Tuthill Road (203rd Avenue) from Queen Creek Road to Pecos Road. (C64032505)

SCHEDULE PUBLIC HEARING - CODE ENFORCEMENT REVIEW

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to allow oral argument in the review of the Hearing Officer's Order of Judgement in Zoning Code Violation Case No. V2002-00881, Michael L. Theisen, represented by Kent M. Nicholas, Attorney, and schedule a public hearing for 9:00 a.m., Wednesday, June 18, 2003. (ADM3417-17)

SCHEDULE PUBLIC HEARING - PLANNING AND ZONING CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for June 18, 2003, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

Z99-07; Z2000-183; Z2002-098; Z2002-167; Z2002-168; Z2003-001; Z2003-021; Z2003-047; CPA2003-002; CPA2003-003; DMP2003-001; DMP2003-002

INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF PIMA EDUCATION REVENUE BONDS (PARADISE EDUCATION CENTER PROJECT)

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to adopt the following captioned resolution, on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with Arizona State Libraries, Archives, and Public Records (ASLAPR). (ADM4792)

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A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, APPROVING THE ISSUANCE OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF PIMA EDUCATION REVENUE BONDS (PARADISE EDUCATION CENTER PROJECT), SERIES 2003 (THE "BONDS") IN AN AGGREGATE PRINCIPAL AMOUNT NOT-TO-EXCEED \$13,500,000.

MINUTES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve minutes of the Board of Supervisors meetings held April 7, 9, 10, and 14, 2003.

PRECINCT COMMITTEEMEN

There were no requests to approve the appointment or removal of precinct committeemen pursuant to A.R.S. 16-231.B. (ADM1701)

PAYMENT OF CLAIMS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize payment of claims made by the following current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. (List on file in the Office of the Clerk of the Board of Supervisors.) (ADM3309)

Dorothy A. Brown
Vija Brown
Maurine Kurz

Susan Busot
Paul Crum
Richard Romley

Webster Baker
Kristine Klowalewski

Robert Black
Charles Krieger

SECURED TAX ROLLS

There was no request from the Assessor for corrections of the Secured Tax Rolls at this time. (ADM705)

DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve issuing duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

COUNTY

NAME	WARRANT	FUND	AMOUNT
Buckeye Justice Court	330549756	Expense	\$5,700.00
April Exley	052123	Payroll	\$726.50
Negest Hagos	901035630	Salary	\$437.94

SCHOOL

NAME	SCHOOL	WARRANT	AMOUNT
William V Macgill	Isaac School #5	430038783	\$64.19
Charles M Hart	Roosevelt School Dist #66	13-0131855	\$1,140.59

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Pegi Linder	Litchfield Elem. School Dist #79	13-132780	\$2,402.36
Pegi Linder	Litchfield Elem. School Dist #79	13-132359	\$773.04

STALE DATED WARRANTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to find that claims presented pursuant to A.R.S. §11-644 are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

MCSO, Tax Section – Floyd Adams	\$889.73
Patrick M Escott	\$11.77
Maria Moran Garcia	\$69.59
Randy Parke	\$59.22
Republic Idemnity Company	\$44.00
Alma Delia Sanchez	\$600.00
Lorraine Stoltenberg	\$89.15
Linda Iannelli	\$287.41
Rachel Villanueva	\$275.03
Rachel Villanueva	\$448.96
Kelly Hanson	\$800.93
Kathryn S Sanchez	\$1047.13
James Charles Houser	\$168.65
Sharon Jean Buckley	\$529.22
William Riddiough	\$100.63
Milton J Hillyard	\$105.66
Kevin Gosney	\$181.80
Yvonne Tye	\$74.39

SETTLEMENT OF TAX CASES

Approve the settlement of tax cases on file in the Office of the Clerk of the Board of Supervisors, list dated June 4, 2003. (ADM704)

2001/2002	2003	TX 02-000509
TX 02-000680	ST 02-000138	TX 02-000546
2002	ST 02-000181	ST 02-000232
CV 01-020551	ST 02-000185	2003/2004
CV 01-022483	ST 02-000186	ST 02-000243
TX 01-000604	ST 02-000214	ST 02-000269
ST 02-000259	ST 02-000231	ST 02-000287
	TX 02-000492	ST 02-000295

CLASSIFICATION CHANGES

Pursuant to A.R.S. §42-12054, the Assessor has recommended the Board change classification and/or reduce the valuation of certain properties which are now owner occupied. (ADM723)

PARCEL NO.	YEAR	OWNER	FROM	TO
123-19-057	2000	Minh Ha Tran	LC/4	LC/3

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123-19-057	2001	Minh Ha Tran	LC/4	LC/3
123-19-057	2002	Minh Ha Tran	LC/4	LC/3
140-46-015	2000	Salvatore Amato	LC/4	LC/3
140-46-015	2001	Salvatore Amato	LC/4	LC/3
140-46-015	2002	Salvatore Amato	LC/4	LC/3
158-31-096	2000	Jeanne K Favia	LC/4	LC/3
158-31-096	2001	Jeanne K Favia	LC/4	LC/3
158-31-096	2002	Jeanne K Favia	LC/4	LC/3
207-39-207	2001	Karen Rudek	LC/4	LC/3
207-39-207	2002	Karen Rudek	LC/4	LC/3
217-49-341	2000	Maria Shanahan	LC/4	MIXED
217-49-341	2001	Maria Shanahan	LC/4	LC/3
217-49-341	2002	Maria Shanahan	LC/4	LC/3
230-07-583	2001	Linn Applegate	LC/4	LC/3
230-07-583	2002	Linn Applegate	LC/4	LC/3
301-58-132	2002	Jo Ann Dillard	LC/4	LC/3
401-69-041M	2002	Harold Frisbee	LC/4	LC/3

COMPROMISES

Accept the requested compromises as payment in full for the following cases: (Discussed in Executive Session held May 19, 2003.) (ADM407)

David Blevins	\$3,060.00	Keith Buethe	\$3,800.00
Sara Caminidi	6,653.00	Eva Celeste Chavez	4,500.00
Michael King	700.00	Melissa Linton	3,500.00
Isabel Lopez-Martinez	1,100.00	James Mangus	2,500.00
Rene Orozco	2,500.00	Lee Piper	665.00
Serafin Saldana	500.00	Jacqueline Shelton	1,000.00
Kristy Stark	1,500.00		

COMPROMISE

Accept the requested compromise as payment in full for the case of Carmen Gonzales in the amount of \$9,785.00. (Discussed in Executive Session held May 21, 2003.) (ADM407)

PUBLIC COMMENT

No member of the public came forward to comment at this time. (ADM605)

SUPERVISORS' COMMENTS

Supervisor Kunasek reported that he had attended the recent memorial service for former Maricopa County Supervisor George Campbell who died last week. He recalled Mr. Campbell's many attributes and years of service given freely to County and State governments. Supervisor Kunasek also thanked all who had facilitated the name change of the North Central Library to the George Campbell Building at one of the last public events attended by Mr. Campbell this spring and related that it had meant a great deal to him and his family for him to be so recognized and honored. (ADM606)

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Supervisor Wilcox recognized County Counsel Jill Kennedy for her recent honor from the Arizona State Bar Association in receiving the Distinguished Public Lawyer award.

Supervisor Wilson commented on the 303 freeway and its poor safety record and the numerous accidents recently occurring on it. He thanked Sheriff Arpaio for assigning additional patrol officers to that area and reported that he had recently counted five cars and two large trucks pulled over by them while driving into town. He believes this action has slowed traffic considerably.

Chairman Brock reported on the struggle to keep nurses at the County Hospital (MIHS) and the impact the possible forced closure of the facility has had on many aspects including personnel. He thanked those working there for their commitment and dedication and assured them and the public that the Board is doing everything possible to keep the facility open and to get the funding to make the upgrades it needs through legislation and the public vote in November. He said that it is the busiest healthcare delivery system in Arizona and vital that it, with its trauma and burn centers, remain open to serve the public. He also thanked Senator Jon Kyl for his help in introducing SB340 to help reimbursement to Arizona hospitals and his personal interest in this problem. Senator McCain is a co-sponsor of the senate bill.

Supervisor Stapley said that his committee chairmanship in NACo has offered him the opportunity to participate in the working group on the Bush Administration's reform proposals for Medicaid, originally called last February. After receiving a lukewarm initial appraisal by Congress the matter has arisen again with more interest evidenced. This working group of NACo members from about 20 different states is discussing and prioritizing the matter, and will give input to the Administration on the proposal.

PLANNING AND ZONING

David Smith and Paul Golab left the dais at the end of this portion of the Board meeting. Members, as given above, remained in session. Darren Gerard, Principal Planner, and David Benton, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

CONSENT AGENDA DETAIL:

1. **S2001-089 District 4**
 Applicant: Russell Ranch Phase II
 Location: SWC of Citrus Road and Bethany Home Road (in the Goodyear area)
 Request: Final Plat in the R1-18 R.U.P.D. zoning district for Russell Ranch Phase II
 (approximately 66.72 gross acres)

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve this final plat.

2. **Z2002-133 District 4**
 Applicant: John Niziolek, The Stein-Cox Group for Sun Health Corporation
 Location: North of Granite Valley Dr. between Stardust Blvd. and Meeker Blvd. (in Sun City West area)
 Request: Special Use Permit (S.U.P.) for a hospice care facility in the C-O P.D. zoning district - Del E. Webb Hospice Care Facility (1.73 ac.)

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COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2002-133, subject to the following stipulations "a" through "p". Commissioner Beckley seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall be in substantial compliance with the site plan entitled "Sun Health Hospice Care Services & Residence on the Del E. Webb Campus" consisting of two (2) full size sheets prepared by The Stein-Cox Group dated revised April 9, 2003 and stamped received April 10, 2003, except as modified by the following stipulations.
- b. Development of the site shall be in substantial compliance with the landscape plan entitled "Sun Health Hospice Center Sun City, Arizona" consisting of one (1) full size sheet prepared by Urban Graphite dated revised April 9, 2003 and stamped received April 10, 2003, except as modified by the following stipulations.
- c. Development of the site shall be in substantial compliance with the narrative report entitled "Special Use Permit for Del E. Webb Hospice Facility", consisting of four (4) pages prepared by The Stein-Cox Group, dated revised December 19, 2002, and stamped received February 7, 2003, except as modified by the following stipulations.
- d. The Special Use Permit shall expire at the end of 30 years from the date of Board of Supervisors approval. Any request for extension must be received at least six months prior to the expiration date.
- e. The property owner shall submit a written report outlining the status of this development at the end of two (2) years from the date of approval by the Board of Supervisors, and at the end of the twenty-five (25) years of the date of approval by the Board of Supervisors. These status reports shall be reviewed by staff, which may accept the report, require additional information, or schedule the report for review by the Planning and Zoning Commission.
- f. Prior to any construction, the Drainage Regulations for Maricopa County require that a drainage clearance be obtained from the Flood Control District. A final grading and drainage plan will need to be submitted for review and approval, along with hydrologic and hydraulic calculations, prepared by an Arizona Registered Civil Engineer, documenting the design of the storm drain system.
- g. Prior to completing the final grading and drainage plan, the volume calculations provided on the previously submitted grading and drainage plan need to be revised. Refer to Section 3.5.2 Volume Calculations of the Drainage Design Manual for Maricopa County, Arizona, Vol. I – Hydrology.
- h. Concurrent with the application for building permit for the hospice care facility; the property owner shall also submit construction plans to the Sun City West Fire District for review. Any revisions to the construction plans required by the fire district shall be presented to the Planning and Development Department for additional review prior to permit issue.
- i. There shall be no construction work on the site prior to 6:00 a.m. or after 6:00 p.m.
- j. All roof mounted equipment shall be screened from view by a continuous parapet.

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- k. The trash dumpster enclosure shall be completely screened using a solid masonry wall of a style to match the architecture of the primary building. Said enclosure shall be equipped with a view-obstructing gate(s).
- k. All transformers, backflow prevention devices, utility boxes and all other utility-related, ground-mounted equipment are to be painted to complement the development and shall be screened with landscape material where possible.
- l. All applicable stipulations of case Z 88-76 shall remain in effect as may be applicable.
- m. All habitable buildings constructed upon this property shall be constructed to attain a noise reduction level as per A.R.S. § 28-8482(B).
- o. Major changes to this Plan of Development (site plan and narrative report) shall be processed in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department. Alterations to the site plan pertaining to the fire access areas that arise out of the Sun City West Fire District permitting review process shall be considered minor.
- p. Non-compliance with the Plan of Development (site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with the provisions of the Maricopa County Zoning Ordinance.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval subject to stipulations "a" through "p."

- 3. Z2003-011 District 4**
Applicant: Core Group Consultants for Grand Oasis Land, L.L.C.
Location: Along the south side of U.S. Hwy. 60 from the 227th Ave to 231st Ave align. (in the Wittmann/Circle City area)
Request: Rezone from C-2 to Rural-43 - Grand Oasis (3.6 ac.)

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2003-011, subject to the following stipulations "a" through "g". Commissioner Barney seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development shall be in substantial conformance with the zoning exhibit and preliminary plat entitled "Site Plan, Grand Oasis", consisting of three (3) full-size sheets, prepared by CoreGroup Consultants, dated February 6, 2003, date-stamped by the engineer April 9, 2003 and stamped received April 15, 2003, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Grand Oasis, Grand Avenue and 227th Avenue, Narrative Report", consisting of four (4) pages, dated April 9, 2003, and stamped received April 15, 2003, except as modified by the following stipulations.

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- c. All interior streets within the proposed development are to be constructed to minimum County standards.
- d. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- e. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- f. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All H.V.A.C. units shall be ground-mounted.
- g. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 7 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Article 304.6 (Conditional Zoning).

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval subject to stipulations "a" through "g."

- 4. Z2003-012 District 4**
Applicant: Core Group Consultants for Grand Oasis Land, L.L.C.
Location: Approx. 1,700' south of U.S. Hwy.60 along the 227th Ave. align. (in the Wittmann/Circle City area)
Request: Special Use Permit (S.U.P.) for a water treatment facility in the Rural-43 zoning district - Grand Oasis (0.7 ac.)

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2003-012, subject to the following stipulations "a" through "g". Commissioner Beckley seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development shall substantial conformance with the site plan entitled "Site Plan, Grand Oasis", consisting of three (3) full-size sheets, prepared by CoreGroup Consultants, dated February 6, 2003, date-stamped by the engineer April 9, 2003 and stamped received April 15, 2003, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Grand Oasis, Grand Avenue and 227th Avenue, Narrative Report", consisting of four (4) pages, dated April 9, 2003, and stamped received April 15, 2003, except as modified by the following stipulations.
- c. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.

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- d. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- e. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- f. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- g. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval subject to stipulations "a" through "g."

REGULAR AGENDA DETAIL:

- 5. Z2002-075 District 1**
Applicant: Mark Turley
Location: Approx. 970' north of Warner Rd. along the west side of 80th St. (in the east Mesa area)
Request: Rezone from Rural-43 to IND-3 P.D. - National Specialty Aggregates (9.8 ac.)

COMMISSION ACTION: Commissioner Barney moved to recommend approval of Z2002-075 with modifications to stipulation "a", adding stipulation "o" and modify stipulation "c" indicating a ribbon curb vs. a full curb, gutter and sidewalk on 80th Street, and a modification of stipulation "e". Commissioner Beckley seconded the motion, which failed with a majority vote of 3-2.

COMMISSION ACTION: Commissioner Gulbrandsen moved to recommend approval of Z2002-075, subject to the following stipulations "a" through "o". Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development shall be in substantial conformance with the site plan consisting of one (1) full-size sheet entitled "National Specialty Aggregates" prepared by Brock, Craig and Thacker Architects" dated revised February 24, 2003 and stamped received April 16, 2003.
- b. Development of the site shall be in conformance with the narrative report entitled "National Specialty Aggregates, LLC Expansion Project", consisting of six (6) pages, dated June 17, 2003, and stamped received April 16, 2003, except as modified by the following stipulations.

- c. Provide half-street improvements including a minimum 24' pavement width with curb, gutter and sidewalk on 80th Street.
- d. Prior to site development approval, the owner or his representative shall submit a precise plan of development to the Flood Control District of Maricopa County for review and approval. This submittal should include a final drainage report, along with a paving and grading plan for the project. Retention calculations should be provided to justify retention basin sizing. The plan must include drainage arrows indicating stormwater flows to the appropriate drainage facilities, perpendicular cross sections from property line to property line through the site, parking areas, retention basins, swales, and finished floor elevations. The plan must include a note from the engineer stating "The finished floor elevations will be free from inundation by the 100-year peak runoff event if the site is developed in accordance with approved plans." The paving and grading plan, and the drainage report must be stamped and sealed by an Arizona Register Professional Civil Engineer.
- e. Provide a 10'-wide landscaped area adjacent to the 80th Street right-of-way. The landscaped area will be planted at a ratio of six (6) trees and 24 shrubs per 1,000 lineal feet.
- f. The canopy shall be screened toward 80th Street (east face) with a 6' high opaque fence or wall.
- g. All metal buildings shall be a uniform color.
- h. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- i. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- j. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- k. All trees shall be double-staked when installed.
- l. Major changes to this Plan of Development (the site plan and narrative report) shall be process as a revised application in the same manner as the original application. With final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- m. Noncompliance with the Plan of Development (the site plan and narrative report) conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- n. This site is subject to a Plan of Development (P.D.) Overlay Zone.

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- o. A 6' high solid masonry wall shall be provided along the southern property line within six (6) months of approval by the Board of Supervisors unless by that time the adjacent property to the south has been rezoned for industrial uses.

Darren Gerard said that the 5th and 6th (Z2002-075 and Z2002-136) items are related and will be presented together. Half of the site is already developed (Z2002-136) and that portion does not observe the same curb, gutter and sidewalk standards as presented in stipulation "c" above. He said the request is in compliance with area general plans and there is no known opposition. Planning Commission and staff recommend approval with stipulations.

David Udall representing Mark Turley, the applicant, said the expansion has been discussed for a year with staff and the case presentation did set forth the issues correctly, however, they would like stipulation "c" amended, in both cases, to delete "with curb, gutter and sidewalk" as they are not necessary in this area plan.

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the recommendation from the Planning Commission for approval, with stipulations "a" and "b" and "d" through "o" and amending stipulation "c" by removing the words, "with curb, gutter and sidewalk," as follows:

- c. Provide half-street improvements including a minimum 24' pavement width ~~with curb, gutter and sidewalk~~ on 80th Street.

- 6. Z2002-136 District 1**
Applicant: Mark Turley
Location: Approx. 650' north of Warner Rd. along the west side of 80th St. (in the east Mesa area)
Request: Major Amendment to a Plan of Development (Z 97-70) in the IND-3 P.D. zoning district - National Specialty Aggregates (5.0 ac.)

COMMISSION ACTION: Commissioner Barney moved to recommend approval of Z2002-136, subject to the following stipulations "a" through "m". Commissioner Beckley seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development shall be in substantial conformance with the site plan consisting of one (1) full-size sheet entitled "National Specialty Aggregates" prepared by Brock, Craig and Thacker Architects" dated revised February 24, 2003 and stamped received April 16, 2003.
- b. Development of the site shall be in conformance with the narrative report entitled "National Specialty Aggregates, LLC Expansion Project Major Amendment", consisting of six (6) pages, dated June 17 2003, and stamped received April 16, 2003, except as modified by the following stipulations.
- c. Provide half-width improvements including a minimum 24' pavement width with curb, gutter and sidewalk on 80th Street.
- d. Prior to site development approval, the owner or his representative shall submit a precise plan of development to the Flood Control District of Maricopa County for review and approval. This submittal should include a final drainage report, along with a paving and

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grading plan for the project. Retention calculations should be provided to justify retention basin sizing. The plan must include drainage arrows indicating stormwater flows to the appropriate drainage facilities, perpendicular cross sections from property line to property line through the site, parking areas, retention basins, swales, and finished floor elevations. The plan must include a note from the engineer stating "The finished floor elevations will be free from inundation by the 100-year peak runoff event if the site is developed in accordance with approved plans." The paving and grading plan, and the drainage report must be stamped and sealed by an Arizona Register Professional Civil Engineer.

- e. The awnings along the easternmost metal building shall be screened toward 80th Street (east face) with a 6' high opaque fence or wall.
- f. All metal buildings shall be a uniform color.
- g. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- h. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- i. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- j. All trees shall be double-staked when installed.
- k. Major changes to this Plan of Development (the site plan and narrative report) shall be process as a revised application in the same manner as the original application. With final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- l. Noncompliance with the Plan of Development (the site plan and narrative report) conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- m. This site is subject to a Plan of Development (P.D.) Overlay Zone.

Darren Gerard indicated that this is the existing portion of the parcel discussed in case Z2002-075 above and this portion also has the curb, gutter, sidewalk requirement mentioned in stipulation "c." The applicant would like this stipulation modified prior to approval. Planning commission and staff recommend approval with stipulations "a" through "m."

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" and "b" and "d" through "o" and amending stipulation "c" by removing the words, "with curb, gutter and sidewalk," as follows:

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- d. Provide half-street improvements including a minimum 24' pavement width ~~with curb, gutter and sidewalk~~ on 80th Street.

- 7. Z2002-119 District 4**
Applicant: Michael Campbell for Hazel Linsenmeyer Leonard
Location: 4421 S. Jackrabbit Tr. – on the east side of Jackrabbit Tr., south of Broadway Rd. (in the Buckeye area)
Request: Special Use Permit (S.U.P.) for a retail plant nursery in the Rural-43 zoning district - Jackrabbit Nursery (5.2 ac.)

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2002-119, subject to the following stipulations “a” through “s”. Commissioner Barney seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall comply with the site plan entitled “JACKRABBIT NURSERY”, consisting of one (1) full-size sheet, undated but stamped received March 17, 2003, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled “NARRATIVE FOR SUBMITTAL TO MARICOPA COUNTY PLANNING AND DEVELOPMENT”, consisting of three (3) pages, dated revised March 13, 2003 and stamped received March 17, 2003, except as modified by the following stipulations.
- c. This Special Use Permit shall expire 10 years from the date of approval by the Board of Supervisors. Any request to extend the Special Use Permit shall be submitted at least six months prior to such expiration.
- d. All signs must be located outside the ultimate right-of-way and the required clear-sight distance triangles.
- e. Prior to zoning clearance, the applicant shall provide dedication for the 70' ultimate half-width along Jackrabbit Trail, and a 30' dedication along the southern boundary of the site.
- f. All driveways within County rights-of-way shall be paved and maintained with asphalt or concrete.
- g. Interior circulation and parking areas shall be dust-proofed with an approved dust palliative acceptable to the Department of Transportation and the Environmental Services Department.
- h. The applicant shall bond for ultimate improvements on Jackrabbit Trail with pavement, curb, gutter and sidewalk, per recommendation #3 of the November 1, 2002 MCDOT memo, if the property were to be formally rezoned Commercial or the Special Use Permit is extended/renewed beyond a 10-year time frame.
- i. The applicant shall pave the south boundary roadway (24' minimum) to county standards, per recommendation #4 of the November 1, 2002 MCDOT memo, if the property were to be formally rezoned Commercial or the Special Use Permit is extended/renewed beyond a 10-year time frame.

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- j. The applicant shall provide an approved dust palliative acceptable to the Department of Transportation and the Environmental Services Department for the south boundary roadway (24' minimum width) to extended at a minimum from the paved County right-of-way easterly to the driveway used to access the single wide trailer/office, cell site (Z2002120), and/or general east side of the property, for a total linear distance of approximately 500'.
- k. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- l. Should the Special Use Permit expire or be removed, all structures not meeting the development standards Rural-43 zoning district shall be removed within 60 days. This would include but not be limited to the single-wide trailer located near the southeast corner of the property.
- m. Prior to zoning clearance, additional perimeter landscaping to include mature box trees shall be required along the southeast corner of the property with the intent of providing a visual buffer between adjacent properties and the single-wide trailer/office located in that general area.
- n. Building heights shall be limited to two (2) stories and 30'.
- o. Should the Environmental Services Department find that the water system does meet the criteria of a Public Water System, the owner will be required to obtain registration as a Public Water System.
- p. Should a public water utility become available to the subject property, fire hydrant(s) shall be provided to meet minimum fire flow requirements at the subject site.
- q. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- r. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- s. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.

Darren Gerard presented the action taken by the Planning Commission on this item. There is no known public opposition and staff and the Planning Commission recommend approval with above stipulations.

Mike Campbell, representing the applicant, said they are agreement with the case as presented.

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Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried to concur with the recommendation from the Planning Commission for approval subject to stipulations "a" through "s," as given above.

- 8. Z2002-120 District 4**
Applicant: Michael Campbell for Hazel Linsenmeyer Leonard
Location: 4421 S. Jackrabbit Tr. (in the Buckeye area)
Request: Special Use Permit (S.U.P.) for a wireless communications facility in the Rural-43 W.H.S.C. Class 4 zoning district, Cellular Use District 2 - Jackrabbit Cell Tower (0.03 ac.)

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2002-120, subject to the following stipulations "a" through "p". Commissioner Barney seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall comply with the site plan entitled "ALLTEL PERRYVILLE & BROADWAY". Consisting of one (1) full-size sheet, dated 2/26/03 and stamped received March 17, 2003, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "NARRATIVE FOR SUBMITTAL TO MARICOPA COUNTY PLANNING & DEVELOPMENT" consisting of three (3) pages, undated but stamped received March 17, 2003 except as modified by the following stipulations.
- c. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- d. A status report including photographs of the tower and facility shall be submitted within two (2) years of approval by the Board of Supervisors, or when fully equipped and finished - whichever occurs first
- e. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- f. Driveway within the County right-of-way shall be paved or surfaced at the discretion of MCDOT.
- g. Driveway and parking area must meet EPA requirements for dust control.
- h. The ground equipment site will be walled in by a six-foot (6') high CMU wall that includes a parking area within the site.
- i. The monopole together with all antennas and attachments will not exceed 100 feet in height as measured from base ground level.
- j. The monopole shall be limited to a maximum of four antenna arrays.

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- k. No antenna arrays shall be greater than eight feet (8') in width, and under no conditions will a catwalk type of array be permitted.
- l. All antenna arrays will be minimal in nature and neutral in color to blend with surrounding area.
- m. The monopole and all appurtenant equipment and structures will be painted in a neutral color designed to blend with the surrounding area.
- n. All future cabling between equipment on the ground and antennas on the tower be internal and not be allowed to run external to the tower, unless covered and be the same color as the tower.
- o. This Special Use Permit shall expire 10 years from the date of approval by the Board of Supervisors, upon expiration of the lease to the applicant(s), or upon termination of the use, whichever occurs first. All of the wireless equipment including the monopole shall be removed within 60 days of such termination or expiration. Any request for an extension shall be made at least six months prior to the expiration date.
- p. Three future carriers whose approximate height on the monopole have been identified on the site plan will be allowed with a minor amendment to the site plan, subject to the same stipulations and the ability to locate within the 30' x 40' proposed S.U.P. area. Under these conditions co-location could be administratively approved by staff of the Planning and Development Department.

Darren Gerard reported on the action taken by the Planning Commission for this case. There was no known opposition reported at that time, but a fax was received yesterday afternoon expressing concern about residential values being affected. Mr. Gerard said that the Town of Buckeye's General Plan is for industrial uses in this area. Staff and Planning Commission recommend approval.

Chairman Brock asked how long the use permit is for and who is responsible for removal of the tower when it is no longer used. Mr. Gerard replied that the permit is for 10 years and the company is stipulated to remove the tower when it is through using it.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried to concur with the recommendation of Planning Commission for approval subject to above stipulations "a" through "p."

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Fulton Brock, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board